Language Matters

Autumn Blake, communications coordinator

WCD | Workers' Compensation Division

Department of Consumer and Business Services

Agenda

- Division goals
- Why now
- What's in a name
- What changes have been made
- What changes are left

Division goals

Our information is accessible and in an easy-to-use format

- Revisions to required notice language
- Use plain language as much as possible

Our culture is progressive and promotes inclusion

- Use of gender-neutral language and pronouns
- Option for “nonbinary/other” designation

Why now

House Bill 2702 (2007)

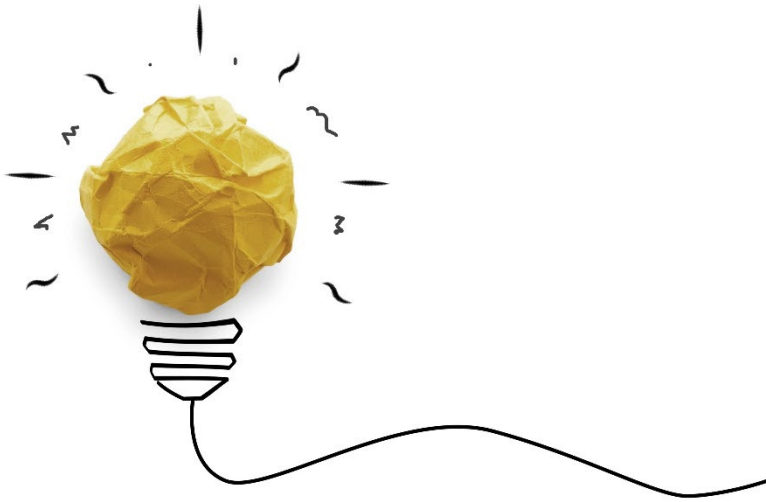
- Ensures written documents conform to plain language standards

Senate Bill 577 (2019) and Executive Order 19-08: Ensuring Equal Treatment Under Law to Oregon's LGBT+ Community

- Applies to all executive branch state agencies
- Prohibits discrimination because of gender identity
- Nonbinary/other option for demographic collection

Hollister, 305 Or App 368 (2020)

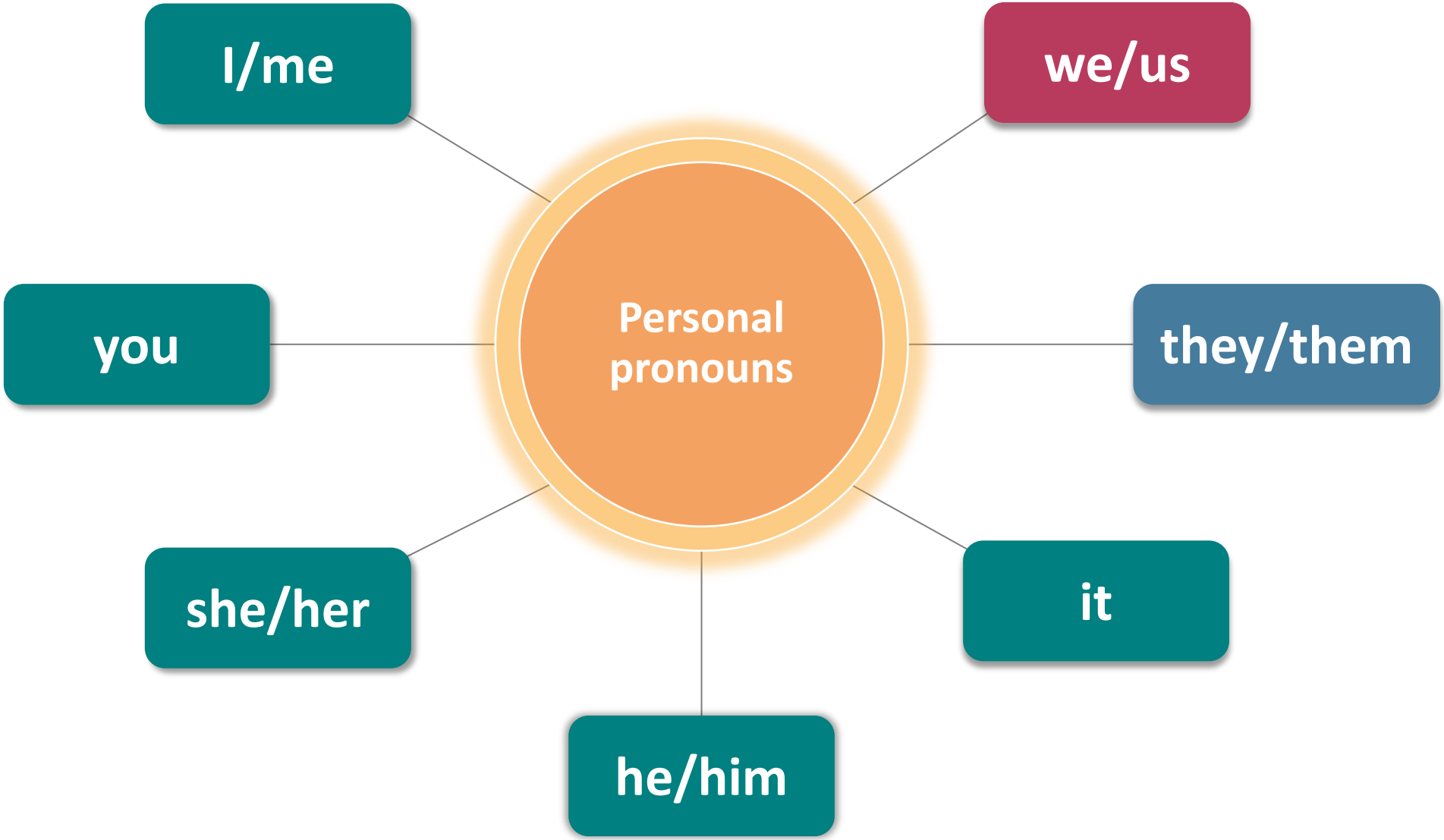
- A person may legally change their sex to nonbinary



What's in a name

Then	Now
Mother/father	Parent
Workmen	Workers
Chairman	Chair, chairperson
Fireman	Firefighter
Ombudsman	Ombuds

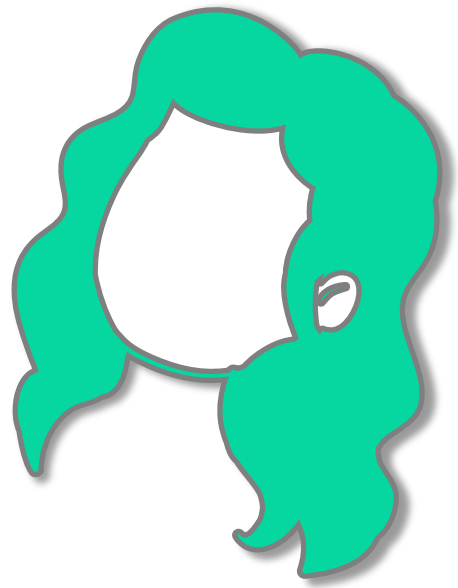
A word about pronouns



A word about pronouns

The educational conference attendees, the Workers' Compensation Division, and Autumn should have had the conference in Hawaii.

We should have had the conference in Hawaii.



What changes have been made

Orders

- Titles such as Mr. or Ms.
- “He or she,” “his or hers”
- Ensuring plain language where possible

Publications

- “He or she,” “his or hers”
- Ensuring plain language

Oregon administrative rules

- Divisions 009, 010, and 015 – effective October 1
- Proposed divisions 60 and 120

What changes are left

801

827

Publications

Other rules

Get in touch

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Claims Processing: Legislative and Rule Updates

Presenter: Matt West, interim administrator

Department of Consumer and Business Services

Annual fee schedule updates

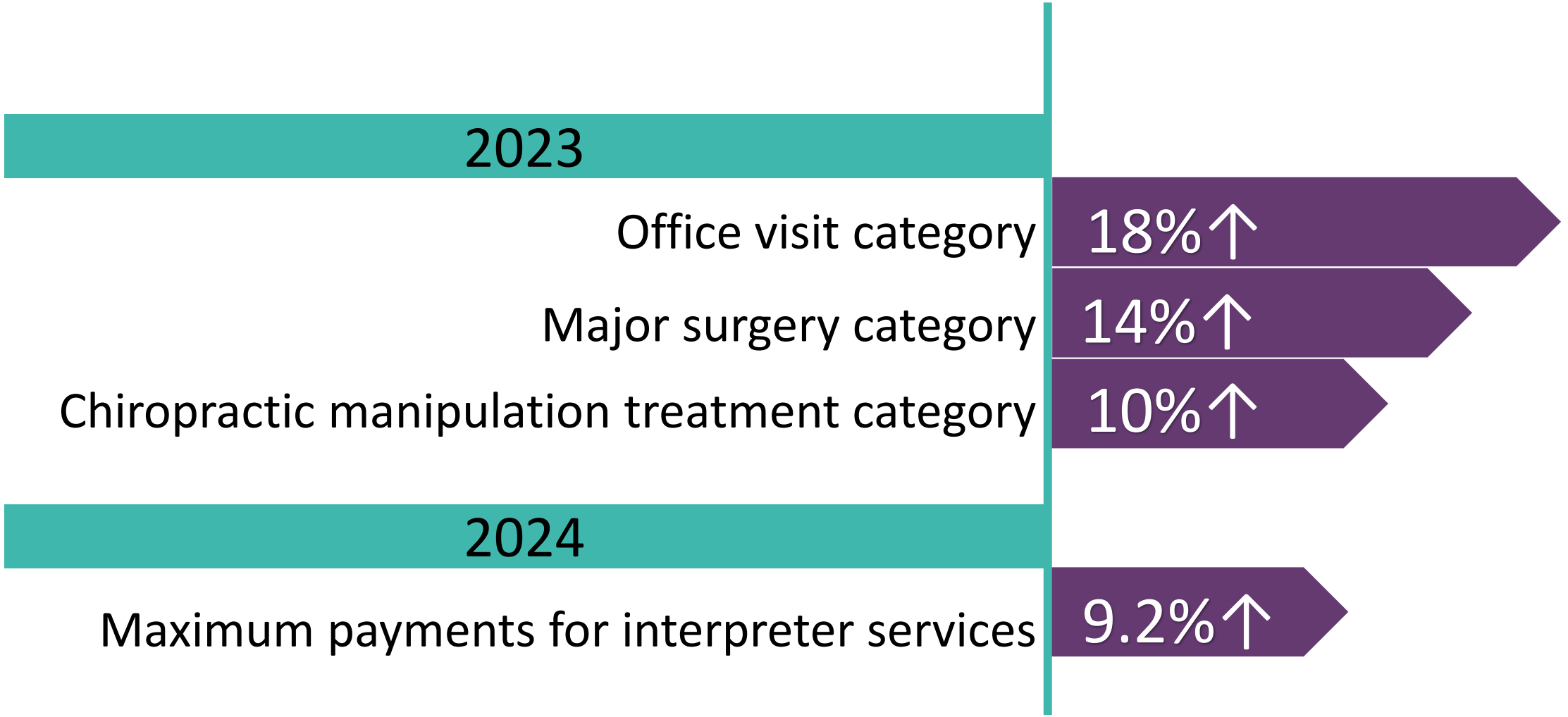
Directed by ORS 656.248.

Open rules for divisions:
009 (Oregon medical fee and payment)
010 (medical services)
015 (managed care organization)

Usually effective April 1 of each year.

Rule fee schedules updated annually.

Annual fee schedule updates (cont.)



Physician assistants/associates

House Bill 3412 (2023)

- Increases time physician assistant may be an attending physician.
- From 60 days or 18 visits to 180 days.
- New Type C attending physician in Appendix A in divisions 009 and 010.

Effective Jan. 1, 2024.

House Bill 4010 (2024)

- Changes term “physician assistant” to “physician associate.”
- Affects divisions 009, 010, and 015.

Effective June 6, 2024.

Sign language interpreters

House Bill 2696 (2023)

- Established the State Board of Sign Language Interpreters.
- Only people licensed in each area may provide legal or medical sign language interpretation.
- Impacted divisions 009, 010, and 015.

Effective Jan. 1, 2024.

Divisions 009, 010, and 015

Amended rule 436-009-0060

- Two new codes for psychiatric or neuropsychological arbiter exams.

Amended rule 436-010-0270

- The insurer must inform the worker, their representative, and the provider of surgery approval within 30 days of the MCO pre-certifying its medical appropriateness.

Amended rule 436-015-0030

- MCOs have 14 days to provide a list of three providers willing to treat the worker within a reasonable amount of time.

Simplified required notice language

House Bill 4138 (2022)

Division 030

- Attending physicians and nurse practitioners may not determine the medically stationary date more than 60 days in the past.

Division 060

- Insurers may not end temporary disability benefits until the worker and their attorney are notified in writing.
  - ➢ Notice must clarify the reasons for ceasing temporary disability payments. This requirement is reiterated in division 120.
- Insurers must provide written notice to the worker and their attorney within seven days of receiving confirmation of the worker's medically stationary status.

Effective Jan. 1, 2024.

Division 060

House Bill 4086 (2022)

- Expanded dependent definition from “relatives of the worker” to “individuals” listed in ORS 656.005(10).
- Insurers need worker’s consent before initiating electronic payments. However, self-insured employers can assume consent for direct deposits if that is how the employer usually pays the worker’s wages.

Effective Jan. 1, 2023.

Upcoming rule changes

Division 060

- Senate Bill 418 (2023) removes the need for notice when ending temporary disability benefits if a worker with an accepted disabling injury leaves work for compensable medical services.
- Temporary disability may be paid to align with the employer's payroll schedule and pay period.

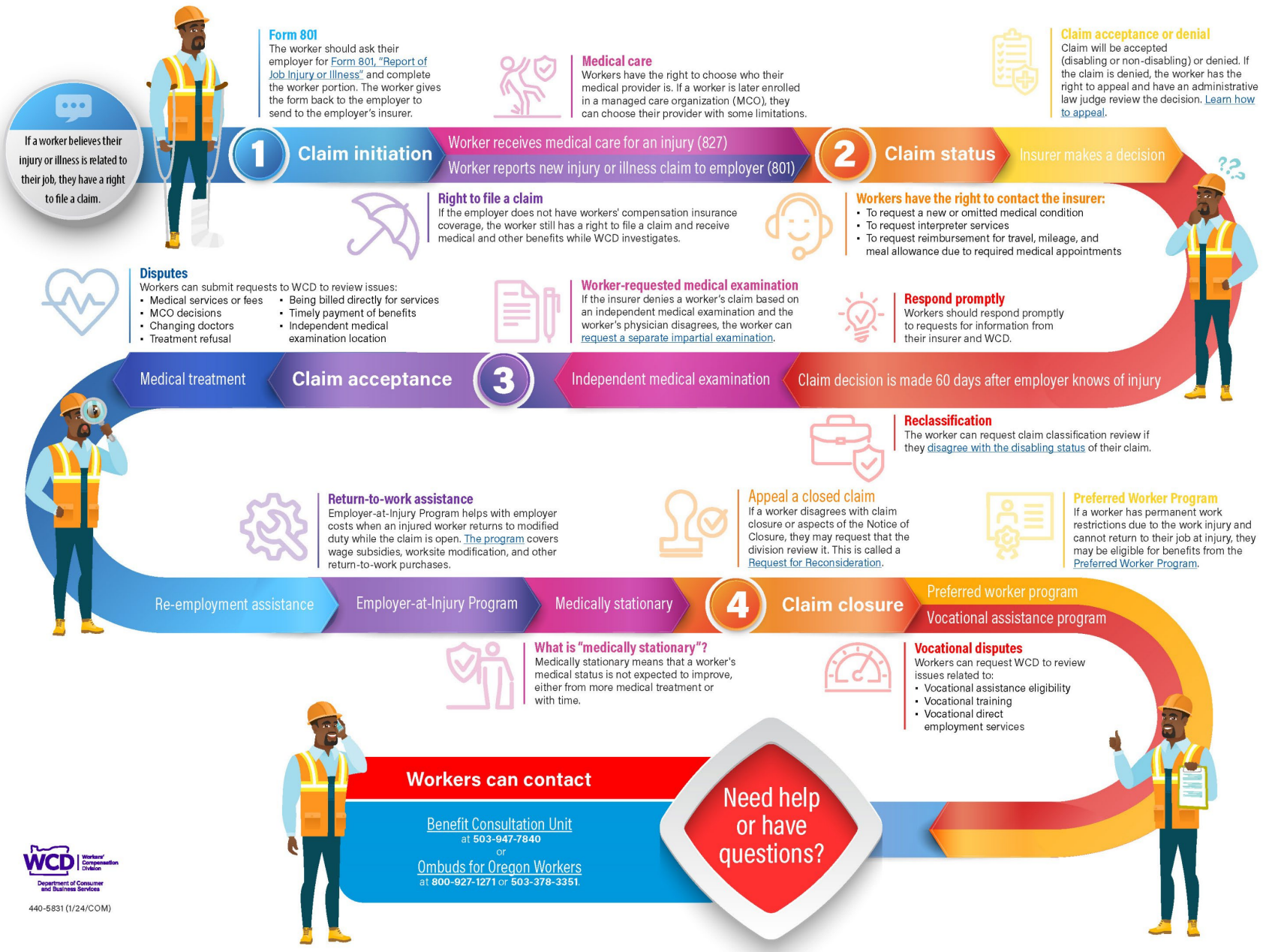
Simplifying required notice language in divisions 060 and 120

Upcoming rule changes

Division 120

- Removing the requirement for U.S. work authorization to receive vocational assistance.
  - Outlining eligible vocational assistance benefits for these workers.
- Adjusting the time frame to pay a vocational provider's bill to 60 days.
- Updating maximum amounts allowed for certain vocational assistance purchases.
- Clarifying dispute resolution procedures when a letter of agreement is not honored.
- Specifying time frames for providing vocational and medical information to the chosen vocational counselor.

Workers' Compensation Division **Worker Journey**



Worker journey infographic

[Workers' Compensation Division Worker Journey]

Get involved

Visit wcd.oregon.gov/laws.

Sign up for GovDelivery updates straight to your email.

Read about law changes in *WCD Today.*

Questions

Contact us

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